

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

JOHNNY LEE JONES, III,

Plaintiff,

v.

NDOC, et al.,

Defendants.

2:11-CV-00027-PMP-GWF

ORDER

Before the Court for consideration is Plaintiff's Motion for Preliminary Injunction (Doc. #3) filed February 11, 2011 and Plaintiff's Motion for Preliminary Injunction (Doc. #8) filed February 24, 2011.

On March 3, 2011 the Court conducted a hearing on Plaintiff's Motions (Doc. #13). At that hearing, the Court directed that Plaintiff Jones be medically examined to assess medically the condition of his alleged throat condition. That medical examination has been completed and is reflected in the Response of Defendant Aranas (Doc. #16) filed April 4, 2011, as well as Supporting Documentation Submitted Under Seal and *In Camera* (Doc. #18).

Having read and considered the foregoing, it is apparent to the Court that Plaintiff Jones does not suffer from throat cancer. Neither does the record support Plaintiff Jones' claim that he has been the victim of negligent treatment or deliberate indifference to a serious medical condition so as to give rise to relief requested in his Complaint (Doc #1).

1           **IT IS THEREFORE ORDERED** that Plaintiff's Motions for Preliminary  
2 Injunction (Doc. ## 3 & 8) are **DENIED**.


3           **IT IS FURTHER ORDERED** that Defendant's Motion for Leave to File  
4 Exhibits Under Seal (Doc #17) is **GRANTED**.

5           **IT IS FURTHER ORDERED** that Plaintiff's Complaint (Doc. #1) is hereby  
6 **DISMISSED** as legally frivolous in accord with Nietckev v. Williams, 490 U.S. 319  
7 (1989).

8           **IT IS FURTHER ORDERED** that Judgment is hereby entered in favor of  
9 Defendants and against Plaintiff

10          **IT IS FURTHER ORDERED** that a Certificate of Appealability is **DENIED**.

11 DATED: April 11, 2011.

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14 PHILIP M. PRO  
15 United States District Judge  
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